

CLARK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

Issue:	Proposed Nuclear Waste Repository at Yucca Mountain	Back-up:
Petitioner:	Barbara Ginoulas, Director, Comprehensive Planning	Clerk Ref. #
Recommendation:		
That the Board of County Commissioners approve, adopt, and authorize the Chairman to sign a resolution affirming continued opposition to the proposed nuclear waste repository at Yucca Mountain; and direct staff accordingly.		

FISCAL IMPACT:

None by this action.

BACKGROUND:

Clark County has steadfastly opposed the proposed high-level nuclear waste repository at Yucca Mountain for nearly 20 years. Since 1987, the County has provided oversight for site characterization activities, conducted impact assessment studies, and provided public outreach programs for Clark County residents. The Board has previously passed resolutions affirming its position on the repository in 1985, 1988, 2000, and 2002.

On January 14, 2004, the U.S. Court of Appeals for the District of Columbia Circuit heard oral arguments on six consolidated cases brought by various parties against the federal government, including the State of Nevada, Clark County, and the City of Las Vegas.

On July 9, 2004, the Court declared invalid a key environmental regulation underpinning the Yucca Mountain Project. Until now, the Environmental Protection Agency (EPA) set a standard of 10,000 years for the containment of radiation at Yucca Mountain. This was not in keeping with recommendations from the National Academy of Science (NAS), which requires the repository standard be for the peak life of the radiation, which could be more than 300,000 years. The court ordered DOE to issue either a revised radiation standard that follows the Academy's scientific advice or request a legislative exemption from Congress. While Clark County was not officially a party in the Environmental Protection Agency (EPA) litigation, the Court's findings provide a window of opportunity for Clark County to challenge the final EPA Statement as part of the license application process.

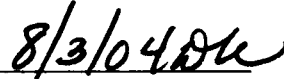
As the Department of Energy comes closer to filing its license application with the Nuclear Regulatory Commission, it is important for the Board of County Commissioners to reaffirm its position with respect to the proposed repository by updating its previous resolutions by setting forth unified key messages supporting the Board's position. It is also important to develop a strategy regarding participation in the license application process and to develop planning policies which reflect the Board's position with respect to the repository and any potential impacts resulting from it.

Respectfully submit

APPROVED/ADOPTED/AUTHORIZED AS RECOMMENDED AS AMENDED

Cleared for Agenda


THOM REILLY
County Manager



/IN:jt

Agenda
Item #

114

RESOLUTION

THAT THE BOARD OF COUNTY COMMISSIONERS AFFIRM ITS CONTINUED OPPOSITION TO THE LICENSING, CONSTRUCTION, AND OPERATION OF THE PROPOSED HIGH-LEVEL NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN, NEVADA

WHEREAS, the Nuclear Waste Policy Act of 1982 established a process and time schedule for the establishment of the nation's first geologic repository for the permanent disposal of spent commercial nuclear fuel and high-level nuclear waste; and

WHEREAS, in July 2002, the United States Congress and the President of the United States authorized movement forward on a license application for a permanent repository for the storage of spent commercial nuclear fuel and high-level nuclear waste at Yucca Mountain; and

WHEREAS, because of these actions by Congress, the Clark County Board of Commissioners approved Resolutions on January 8, 1985, April 5, 1988, March 7, 2000, and March 5, 2002 opposing the location of a repository at Yucca Mountain; and

WHEREAS, the Board of County Commissioners has solidified its opposition to the Yucca Mountain Project through adoption of its Strategic Priorities since 2001; and

WHEREAS, the Board of County Commissioners joined with the State of Nevada and the City of Las Vegas to challenge various aspects of the Yucca Mountain Project in the United States Court of Appeals, District of Columbia Circuit; and

WHEREAS, the United States Court of Appeals, District of Columbia Circuit, rendered its decision on six consolidated cases on July 9, 2004; and

WHEREAS, the United States District Court of Appeals vacated the Environmental Protection Agency (EPA) regulation that mandated a 10,000 year radiation protection standard for Nevadans affected by the Yucca Mountain project, ruling that the standard is inconsistent with the Congressionally-mandated recommendations of the National Academy of Sciences; and

WHEREAS, the U.S. Department of Energy (DOE) has stated its intention to file a license application with the Nuclear Regulatory Commission (NRC) by December 2004; and

WHEREAS, the DOE has not yet authorized the use of nuclear waste oversight funds which would allow "affected units of local government," including Clark County, to participate in the license application process; and

WHEREAS, proponents of the proposed repository at Yucca Mountain have focused their efforts to convince the public that negotiation for "benefits" in exchange for acceptance of the repository is the best course of action;

NOW THEREFORE, BE IT RESOLVED, by the Clark County Board of County Commissioners that:

The Clark County Board of Commissioners reaffirms its opposition to the siting of a high-level nuclear waste repository at Yucca Mountain in Nye County in Southern Nevada by adopting the following unified key messages reflecting its position:

- Clark County has increased its efforts to assess, prepare for, and monitor potential impacts to public safety and security.
- The DOE's own final Environmental Impact Statement acknowledges that there are potential health risks and socioeconomic impacts to Clark County residents, businesses, and visitors.
- The DOE has historically failed to adequately offset the impact of their nuclear programs and projects.
- The federal government cannot be counted on to provide the financial support necessary to protect and compensate Clark County residents from the Yucca Mountain Project.

PASSED, ADOPTED, AND APPROVED THIS 3rd day of August, 2004.

CLARK COUNTY, NEVADA

By: Chip Maxfield
CHIP MAXFIELD, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Shirley B. Parraguirre
SHIRLEY B. PARRAGUIRRE, COUNTY CLERK